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NOTICE OF ALLOWANCE AND FEE(S) DUE

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03/09/2004

NEEDLE & ROSENBERG, P.C. SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915

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PETKOVSEI	K, DANIEL J
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DATE MAILED: 03/09/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,874	04/15/2002	Steffen Schmid	08256.0148	1265

TITLE OF INVENTION: ADD/DROP MULTIPLEXER WITH LINE REFLECTION AND WAVELENGTH SELECTIVE OPTICAL CROSS-CONNECT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	06/09/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/868,874 04/15/2002 Steffen Schmid 08256.0148 1265 TITLE OF INVENTION: ADD/DROP MULTIPLEXER WITH LINE REFLECTION AND WAVELENGTH SELECTIVE OPTICAL CROSS-CONNECT APPLN. TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL FEE(S) DUE DATE DUE nonprovisional NO \$1330 \$9 \$1330 06(09/2004) EXAMINER ART UNIT CLASS-SUBCLASS PETKOVSEK, DANIEL J 2874 385-007000 1. Change of correspondence address or indication of "Fee Address" (37) Change of correspondence address of or change of Correspondence Address from PTO/SR1/22) attached. 1. Change of correspondence address of or change of Correspondence Address from PTO/SR1/22) attached. 1. Change of correspondence address of or change of Correspondence Address from PTO/SR1/22) attached. 2. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent, inclusion of assignee data is only appropriate when an assignment been previously admented to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filling an assignment. (A) NAME OF ASSIGNEE 4b. Payment of Pec(s): 1 Issue Fee 1 Ackee the appropriate assignee category or categories (will not be printed on the patent); 2 Individual 1 Corporation or other private group entity 1 governant 4a. The following lee(s) are enclosed: 4b. Payment of Pec(s): 1 Issue Fee 2 Advance Order - # of Copies 3 Payments of the Copies 4b. Payment of Pec(s): 2 Individual 2 Corporation or other private group entity 2 logical and the amount of the fee (s) is enclosed. 3 Payments of the following lee(s) are enclosed: 4b. Payment of Pec(s): 4c. Payment of Pec(s	maintenance fee notification	ns.					
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NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or		•	Depo	osit Account Nu	mber	(enclose an extra	copy of this form).
NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or		sted to apply the Issue Fee a	nd Publication Fee (if an	y) or to re-apply	any previously paid	issue fee to the application ide	entified above.
other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or	(Authorized Signature)		(Date)				
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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/868,874	04/15/2002		Steffen Schmid	08256.0148	1265
23859	7590	03/09/2004		EXAM	INER
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ATLANTA, GA	30309-391	5		2874	

DATE MAILED: 03/09/2004

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Application No. Applicant(s SCHMID, STEFFEN 09/868,874 Notice of Allowability Examiner **Art Unit** Daniel J Petkovsek 2874 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. This communication is responsive to the amendment received December 24, 2003. 2. The allowed claim(s) is/are 24-37 and 41-44. 3. The drawings filed on 15 April 2002 are accepted by the Examiner. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) 🛛 All b) Some* c) None of the: 1.

Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: __ Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) Thereto or 2) to Paper No./Mail Date _ (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 5. Notice of Informal Patent Application (PTO-152) 1. Notice of References Cited (PTO-892) Interview Summary (PTO-413), 2. Notice of Draftperson's Patent Drawing Review (PTO-948) Paper No./Mail Date 7. Examiner's Amendment/Comment 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8. X Examiner's Statement of Reasons for Allowance 4. Examiner's Comment Regarding Requirement for Deposit 9.

Other of Biological Material

Brian Healy Primary Examiner

DETAILED ACTION

This office action is in response to the amendment received December 24, 2003. In accordance with the amendment, claims 24-26, 28, 29, and 31 have been amended, and claims 23, and 38-40 have been canceled. The amendment to the title has been acknowledged. Claims 24-37, and 41-44 are currently pending.

Allowable Subject Matter

- 1. Claims 24-37, and 41-44 are allowed.
- 2. The following is an examiner's statement of reasons for allowance: the relevant prior art does not teach or reasonably suggest an add/drop multiplexer having a second circulator, with, in order of rotation, a filter port coupled to the third optical port, a drop port, and an add port, as amended into currently independent claim 24. The relevant prior art does not teach or reasonably suggest the specific method limitations of claims 41-44, in which adding to the second arm (claim 41) after reflecting the line channel back through the acousto-optic switch or dropping an optical channel (claim 43) from the first arm of the second splitter occurs after reflecting back through the switch. The closest prior art of record (Schmid et al EP 0,768,555 A1, Seino U.S.P. No. 6,243,516) teach similar acousto-optic switching devices, however they do not teach the amended limitation of a second circulator in claim 24, or the explicit method limitations as claimed in claims 41-44.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Arguments

3. Applicant's arguments, see amendment, received December 24, 2003, with respect to claims 41-44 have been fully considered and are persuasive. The rejection of claims 41-44 to Schmid et al EP 0,768,555 A1 further in view of Chang et al. U.S.P. No. 5,611,004, and Seino U.S.P. No. 6,243,516 have been withdrawn for the reasons stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel TPetkovsek Examiner

Art Unit 2874

March 2, 2004

Brian Healy
Primary Examiner

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